IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1612 OF 2006

Shri Snehal Harshadbhai Nayak ...Applicant

V/s

The State of Maharashtra ...Respondent.

Mr. M.J. Bhatt for the applicant.
Ms. S.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 28th April, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested pursuant to the warrant which was issued by the Magistrate for his arrest since the applicant did not remain present on the date on which the charge was to be framed. Since then the applicant is in jail.

3. It is submitted that the applicant has been attending the Court since last seven years and only on one date, he remained absent. His application for bail was rejected by the Sessions Judge on the ground that some one or other of the accused remained absent and, therefore, the trial could not be completed for almost six years.

4. The learned Counsel for the applicant submits that hereinafter, the applicant will not remain absent and undertakes to remain present on each and every date in the trial court.

5. It appears that the applicant is not a regular defaulter but had remained absent on one date and consequently the warrant was issued and executed against him. It is nodbody's case that the applicant has absconded or had deliberately remained absent continuously. In view of this the applicant is entitled to be released on bail.

6. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall attend the trial court diligently on every date. If the applicant commits any default without obtaining the order of exemption from the trial court, the trial court is at liberty to cancel his bail.

7. Application is allowed in the above terms and disposed of accordingly.

V.M. KANADE, J.